

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF SB 292: CRIMINAL LAW – VICTIMS OF CHILD SEX
TRAFFICKING – SAFE HARBOR AND SERVICE RESPONSE

FEBRUARY 14, 2023

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Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 292.

My name is Heather Heiman, and I am the Project Manager for the Human Trafficking Prevention Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In FY22, MVLS volunteers and staff lawyers provided legal services to 7,652 people across the State.

In fiscal year 2017, MVLS started the Human Trafficking Prevention Project (HTPP), a co-grant project through the Governor's Office of Crime, Control, and Prevention with the University of Baltimore School of Law Human Trafficking Prevention Project Legal Clinic. The HTPP at MVLS is a pro bono project that provides post-conviction relief such as expungement, shielding, and vacatur, as well as assistance with consumer, housing, and family law matters to those who meet the legal definition of a victim of human trafficking, and others who are at high risk for exploitation. Since its inception, the HTPP at MVLS has served over 200 clients who were survivors of human trafficking or at high risk for exploitation. For the reasons explained below, MVLS respectfully requests that the Committee returns a favorable report on SB 292.

Senate Bill 292 would extend the protections available to child sex trafficking victims first established by the Child Sex Trafficking Screening and Services Act of 2019 by providing an exit ramp out of the juvenile legal system for child sex trafficking victims charged with prostitution and other related crimes. Maryland Volunteer Lawyers Service supports this bill because it protects, instead of criminalizes, children who are victims of human trafficking and provides them with the specialized services they desperately need.

While Maryland holds itself out as a leader in the fight against child sex trafficking, it continues to lag behind the rest of the country in its response to this horrific crime. While the identification of minor victims has grown steadily each year in response to expanded training and awareness efforts throughout the state, Maryland ranks 36th out of fifty states, plus the District of Columbia, in providing tools for victim-centered criminal justice.¹ In fact,

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Maryland received an F from Shared Hope International on the effectiveness of its victim protection laws in their 2022 annual review, with a grade of 44.5 out of 100 states and the District of Columbia.ⁱⁱ

At present, in Maryland, trafficked minors can still be incarcerated for prostitution and related crimes, including status offenses that stem from their victimization, like truancy and running away, as well as crimes that are common to street survival like trespassing, 4th-degree burglary, and drug possession.ⁱⁱⁱ While Maryland was one of the first states in the country to address the criminalization of adult survivors,^{iv} no such action has been taken with regard to the criminalization of trafficked youth, even though national data tell us that child trafficking survivors are being criminalized at similar rates as their adult counterparts.^v Unfortunately, age does not play a large factor in who is being identified as a victim and who is being arrested.

Maryland's trafficked youth deserve better. It is beyond time for Maryland to move from incarceration to protection by providing a process by which minor victims are shielded from prosecution for acts that stem from their own victimization, and instead provided with the victim-centered, trauma-informed services they need to recover from their trafficking experience. **Trafficked youth need protection, not incarceration.**

For all the reasons stated above, Maryland Volunteer Lawyers Service supports SB 292 and respectfully encourages a favorable report.

ⁱ Shared Hope International, *Report Cards on Child & Youth Sex Trafficking: 2022 Toolkit* 40-43 (2022), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://reportcards.sharedhope.org/wp-content/uploads/2022/10/SHI_2022Toolkit.pdf.

ⁱⁱ *Id.*

ⁱⁱⁱ Shared Hope International, *Report Cards on Child & Youth Sex Trafficking: Analysis Report Maryland* (2022), <https://reportcards.sharedhope.org/>.

^{iv} MD CODE ANN., CRIM. PROC. § 8-302 (West, 2020).

^v National Survivor Network, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* 3 (2016),